



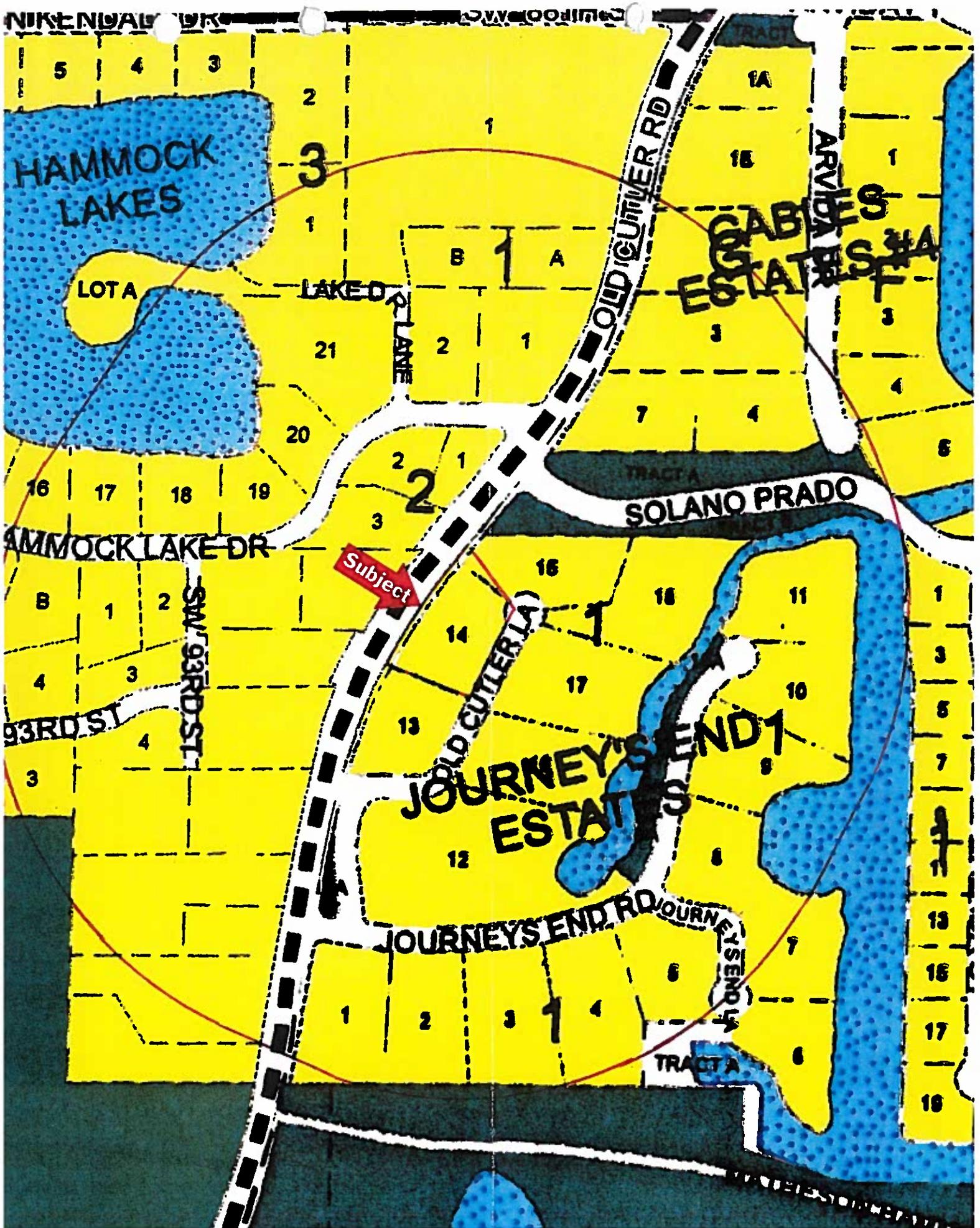
**City of Coral Gables  
Planning and Zoning Division  
Board of Adjustment**

**November 9, 2015**

**Property Located at:  
9440 Old Cutler Lane**

**BA-14-10-2567**

Consider variance requests in regard to the basketball court and stone paver patio for the proposed single family residence located at 9440 Old Cutler Lane, Coral Gables, Florida.



**STAFF REPORT FOR 9440 OLD CUTLER LANE**

**Architect/Engineer:** Kobi Karp AIA, ASID, NCARB

**Legal Description:** JOURNEY'S END ESTATES, PB/PG: 100/40, LOTS: 14 & PORT. OF LOT 15, BLK: 1

**Present Owners:** Juwan A. Howard TRS JAH Revocable Trust

**Present Use:** Residential

**Zoning District:** Single-Family Residential (SFR)

**Land Use Classification:** Residential Use (Single-Family) Low Density

**APPLICANT'S PROPOSAL:** In connection with the basketball court and a stone paver patio for the proposed residence at the subject property, the Applicant requests the following variances pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the "Zoning Code."

- 1) Grant a variance to allow the proposed basketball court to be located in the area between the street and the main residential building or any part thereof vs. No accessory or auxiliary building or structures may be located in the area between the street and the main residential building or any part thereof pursuant to Sections 4-101 (D) (5) (a) and 5-101 (B) of the Coral Gables "Zoning Code."
- 2) Grant a variance to allow the proposed basketball court to maintain ten feet (10'0") rear setback (Old Cutler Road) vs. A minimum rear setback of fifty feet (50'0") (Old Cutler Road) shall be maintained and required on building sites for main or principal building, including auxiliary, accessory buildings and/or structures as required by Sections 4-101 (D) (4), 4-101 (D) (5), Appendix A, A-62 (D) (3) of the Coral Gables "Zoning Code."
- 3) Grant a variance to allow the proposed stone paver patio to maintain thirty five feet eight inches (35'8") rear setback (Old Cutler Road) vs. A minimum rear setback of fifty feet (50'0") (Old Cutler Road) shall be maintained and required on building sites for main or principal building, including auxiliary, accessory buildings and/or structures as required by Sections 4-101 (D) (4), 4-101 (D) (5), Appendix A, A-62 (D) (3) of the Coral Gables "Zoning Code."

**BOARD OF ARCHITECTS REVIEW:** Final approval on September 3, 2015.

**ADVERTISING:** This application was advertised in the Miami Daily Business Review on October 28, 2015. Letters were mailed to properties within one thousand feet of the subject property and the property was posted on October 28, 2015.

**STAFF OBSERVATION:** The applicant is requesting variances for a basketball court and a stone paver patio to be used as accessory structures in conjunction with the proposed residence. The property site is located within the Journey's End Estates subdivision. This irregular shaped property's front is Old Cutler Lane and the rear abuts Old Cutler Road.

Item No. 1: The Zoning Code stipulates an accessory structure such as a basketball court, may not be located in the area between the street and the main residential building or any part thereof. The residence was designed to maximize the property site and abide by the required minimum front and rear street setbacks. Bordered by two streets, this irregular shaped property is very unusual and uncommon. A street at the rear of the property creates a special condition and limits the available area to build any accessory structure while still complying with the Zoning Code's requirement. Typically the rear of the home is the most practical location for the use and enjoyment of accessory uses.

Item No. 2 and 3: The Applicant is requesting to maintain a ten feet (10'0") rear setback distance for the basketball court and a distance of thirty five feet eight inches (35'8") for the stone paver patio versus the required fifty feet (50'0"). The rear of the property site contains a fifteen feet (15'0") easement plus a twenty two feet (22'0") parkway to the edge of pavement (Old Cutler Road). A total right of way of eighty five feet (85'0") exists to the nearest property across Old Cutler Road. In addition, this property has restrictive front and rear setback distances. The front setback required is seventy five feet (75'0") and the rear setback (Old Cutler Road) is fifty feet (50'0") severely limiting the available area to build while respecting the setbacks. The basketball court and patio will be screened from street view by an existing six feet (6'0") high coral rock fence and lush landscaping.

Letters of support are included specifically from the most affected neighbor to the south (9490 Old Cutler Lane) and from Journeys End Homeowner's Association.

After review of the property site, the configuration of the residence, and surrounding properties, staff finds due to the physical constraints of the lot the proposed location of the basketball court and patio is feasible and in harmony with the adjacent properties.

The Zoning Division staff recommends **APPROVAL** of Item No. 1, 2 and 3 with a condition, if in the future the property owner proposes lighting for the basketball court and/or patio the lighting shall be shielded from the right of way and adjacent properties pursuant to Zoning Code section 5-1202.

**STAFF RECOMMENDATION:** Pursuant to Section 3-806 STANDARDS FOR VARIANCES of the "Zoning Code," the Zoning Division staff finds and the Board of Adjustment shall find as follows in regard to the applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 2007-01, as amended and known as the "Zoning Code," and makes the following findings:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

**Does meet the standard required for authorization of variance.**

*The configuration of the property site coupled with the restrictive setbacks, create a special condition limiting the area where accessory structures could be built without any encroachment.*

2. That the special conditions and circumstances do not result from the actions of the applicant.

**Does meet the standard required for authorization of variance.**

*The condition at the site was not created by the actions of the applicant. This is an existing platted lot with an unusual and uncommon configuration.*

3. That granting the variance requested will not confer on the applicant a special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.

**Does meet the standard required for authorization of variance.**

*Other properties with similar site conditions have been granted variances to build accessory structures between the main residential building and the street, mitigating an existing contextual condition on the property site.*

4. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations, and would work unnecessary and undue hardship on the applicant (see also definition of "necessary hardship").

**Does meet the standard required for authorization of variance.**

*Granting the variances requested would allow the enjoyment of commonly used accessory structures typical to many residences.*

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

**Does meet the standard required for authorization of variance.**

*The basketball court and patio are at ground level and do not interfere with any line of sight with neighboring properties.*

6. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.

**Does meet the standard required for authorization of variance.**

*Granting the variance requested will not change the use to one that is not permitted in the zoning district.*

7. That the granting of the variance will be in harmony with the general intent and purpose of these regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

**Does meet the standard required for authorization of variance.**

*The proposed basketball court and patio complement the new residence. The existing coral rock wall at the rear on Old Cutler Road along with lush landscaping will provide visual screening from the street view.*

8. The granting of the variance is appropriate for the continued preservation of an historic landmark or historic landmark district.

**Does meet the standard required for authorization of variance.**

*The property is not a historic landmark or in a historic landmark district.*

Based on the findings in paragraphs 1 through 8 above, the Zoning Division staff recommends **APPROVAL** of Item No. 1, 2 and 3 of the Applicant's request.

## ARTICLE 4 - ZONING DISTRICTS

### Division 1. Residential Districts

#### X Section 4-101. Single-Family Residential (SFR) District.

- A. Purpose and applicability. The Single-Family Residential (SFR) District is intended to accommodate low density, single-family dwelling units with adequate yards and open space that characterize the residential neighborhoods of the City. The City is unique not only in South Florida but in the country for its historic and architectural treasures, its leafy canopy, and its well-defined and livable neighborhoods. These residential areas, with tree-lined streets and architecture of harmonious proportion and human scale, provide an oasis of charm and tranquility in the midst of an increasingly built-up metropolitan environment. The intent of the Code is to protect the distinctive character of the City, while encouraging excellent architectural design that is responsible and responsive to the individual context of the City's diverse neighborhoods. The single-family regulations, as well as the design and performance standards in the Zoning Code, seek to ensure that the renovation of residences as well as the building of residences is in accord with the civic pride and sense of stewardship felt by the citizens of Coral Gables. By preserving the community character of the Gables, the Zoning Code safeguards both individual property values, as well as the quality of life that best serves the collective interest. In an SFR District no use other than these listed below shall be permitted. No buildings or premises shall be used, nor shall any building or structure be erected, altered or enlarged which is arranged, intended or designed to be used for a use other than a single-family use as defined in this code.
- B. Permitted principal uses and structures. The following uses are permitted:
1. Accessory dwelling.
  2. Accessory uses, buildings or structures as provided in Article 4, Table No. 2. Accessory uses, buildings or structures customarily associated with permitted uses within this Zoning District and not listed within the Table No. 2 may be permitted subject to Development Review Official review and approval.
  3. Family day care as required and defined pursuant to Florida Statutes.
  4. Single-family dwellings.
  5. Utility infrastructure facilities.
- C. Conditional uses. The following uses are permitted in the SFR District as conditional uses, if approved under the provisions of Article 3, Division 4, subject to the standards in this Section and other applicable regulations in Article 5:
1. Private yacht basins.
- D. Performance standards. The following performance standards shall govern the general development of structures in the District. Where there are specific standards for properties that are specifically set forth in the Site Specific Zoning Regulations, the regulations in the Site Specific Zoning Regulations shall apply (see Appendix A).
1. Building sites. Buildings and structures shall be constructed or erected upon a building site containing at least one (1) platted lot, and such building site shall have a minimum street frontage of fifty (50) feet. See also Section 3-206, Building site determination.
  2. Density. One (1) principal building per building site.
  3. Facing of lots and buildings. Every lot shall be deemed to face the street upon which it abuts; if a lot abuts upon more than one street, it shall be deemed to face the street upon which it has the shortest street line; and any building shall face the front of the lot, and be subject to the restrictions governing

## ARTICLE 4 - ZONING DISTRICTS

buildings on each street on which it is deemed to face. The facing of a building site shall be based on the platting of the lots that comprise the building site, except for specific deviations or exceptions prescribed in Section 3-905.

- ✖ 4. Setback requirements. No building or structure, or any part thereof, including porches, projections or terraces, but not including uncovered steps, shall be erected at a lesser distance from the front, side or rear line of any building site than the front, side or rear setback distance, respectively, prescribed and established herein for such building site. Nothing herein shall prohibit a building or structure from having more than the minimum required setbacks.
- a. Front setback. A minimum front setback of twenty-five (25) feet shall be maintained and required on all building sites except that on existing building sites on platted lots less than seventy-five (75) feet in depth, a minimum front setback of fifteen (15) feet shall be required.
  - b. Side setbacks. Inside lots shall have minimum side setbacks, which total twenty (20%) percent of the width of the lot measured across the front setback line with a minimum total of ten (10) feet and up to a maximum of twenty (20) feet. A minimum side setback of fifteen (15) feet shall be required and maintained from any side line of a building site that abuts upon a street, provided, however, that buildings on corner lots which have one (1) side abutting upon a street on which other lots in the same block face, shall setback a minimum distance from such side street as is provided herein as the minimum front setback for buildings facing such side street. The required side setbacks shall be equal on both sides unless an uneven distribution is used to mitigate an existing contextual condition on the property as determined by the Board of Architects. An existing contextual condition may include but shall not be limited to the location of tree(s), existing structures on the property, or existing non-conforming setback conditions. In no case shall a side setback be less than five (5) feet
  - c. Rear setback. A minimum rear setback of ten (10) feet shall be maintained and required on all buildings.
  - d. Setback from canal, waterway, lake or bay. On all building sites abutting upon a canal, waterway, lake or bay, the minimum setback from the waterway for all buildings, or portions thereof designed or used for occupancy for residential purposes shall be thirty-five (35) feet from the canal, waterway, lake or bay as platted.
- ✖ 5. Setback requirements for auxiliary, accessory buildings and/or structures. Except as specifically prescribed herein to the contrary, auxiliary, accessory buildings and/or structures shall be governed by the same minimum setback requirements as provided for the main or principal building, provided that:
- ✖ a. Except as may be otherwise noted no accessory or auxiliary building or structures may be located in the area between the street and the main residential building or any part thereof.
  - b. In no case shall an auxiliary building or structure be located closer to the front or side street of a lot or building site than the main or principal building.
  - c. One (1) story detached garages located in the rear yard area, with a height that does not exceed sixteen (16) feet above established grade and a floor area that does not exceed three hundred-and-fifty (350) square feet, may have a side setback of five (5) feet and a rear setback of five (5) feet.
6. Height of single-family residence buildings and height of special-use buildings. No single-family building shall be constructed in the City that is more than two (2) stories in height. No subordinate or accessory building permitted by this code as an auxiliary use shall exceed in height the maximum height of the principal building on the building site. Except in Journey's End where single-family residences may have a permitted height of thirty-four (34) feet above established grade, said two (2) stories shall not exceed a height of twenty-nine (29) feet above established

## ARTICLE 5 – DEVELOPMENT STANDARDS

### Division 1. Accessory Uses

#### Section 5-101. General.

Accessory uses, which do not alter the character of the premises in respect to their basic use, shall be permitted in connection with all uses. Specific enumeration of permissible accessory uses shall not be deemed to prevent other proper accessory uses not so enumerated. All accessory uses shall comply with the following general standards:

- A. No accessory building or structure may be constructed before, but may be built concurrently with, the main building, nor shall any such building be completed before the main building is completed, except as to interior trim and decoration, or be used or occupied before the main building is completed.
- B. Except as may be otherwise required, no accessory building or structure may be located in the area between the street and the main residential building or any part thereof; with the exception of fountains, reflecting pools, planters and flagpoles.
- C. In no case shall an accessory building or structure be located closer to the front or side street of a lot or building site than the main or principal building; with the exception of fountains, reflecting pools, planters and flagpoles.

#### Section 5-102. Accessory dwelling.

- A. An accessory dwelling shall be permitted in an SFR District as an accessory use located above a garage.
- B. An accessory dwelling shall be permitted as an accessory use in an SFR District provided that the living quarters:
  - 1. Are located above a garage;
  - 2. Are for the use of members of the family living in the main residence or persons employed on the premises; and
  - 3. Does not contain a kitchen.

#### Section 5-103. Boathouse and/or boat slip.

A boathouse and/or a boat slip shall be permitted as an accessory use in an SFR district provided that the boat house and/or the boat slip:

- A. Is used by members of the family residing in the main residence.
- B. Does not contain a kitchen.
- C. Eave line does not exceed in height the eave line of the main residence.
- D. Maintains the same minimum setbacks from the platted canal line or bay front and the same minimum setback from the side lot line as established for the main structure.

#### Section 5-104. Cabana.

A cabana shall be permitted as an accessory use in a single-family district subject to the following conditions and restrictions:

- A. Such cabana is used by members of the family residing in the main residence.

## APPENDIX A - SITE SPECIFIC ZONING REGULATIONS

- m. All of Block 18 east of a line extending from the southeast corner of Lot 20, in Block 10, south to northeast corner of Lot 3, Block 15.
  - n. Tracts A, B and C of Replat of Block 16.
  - o. Lots 1 through 83, inclusive, Block 17.
- C. Roofs.
- 1. Pitched Roof Material. Pitched roofs may be covered with roofing material meeting the requirements of Class A or B specifications of the Underwriters Laboratories, Incorporated. (See Section 5-1605)
- D. Signs-location upon buildings, cantilevers and marquees.
- E. Walls and fences.
- 1. Wire fences may be erected provided that such wire fences are not located closer than one hundred (100) feet to Bird Road, LeJeune Road or Ponce de Leon Boulevard.
  - 2. Height. Wire fences may be erected to a maximum height of eight (8) feet. Not more than three (3) strands of barbed wire may be attached to the top of such eight (8) foot high fence at a forty-five (45) degree angle facing toward the inside of the property.

### Section A-61-1 Journeys End Addition.

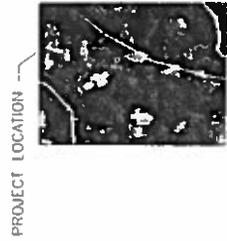
Refer to section A-56 Hammock Lakes for applicable site-specific requirements in addition to general code requirements.

### \* Section A-62 - Journey's End Estates.

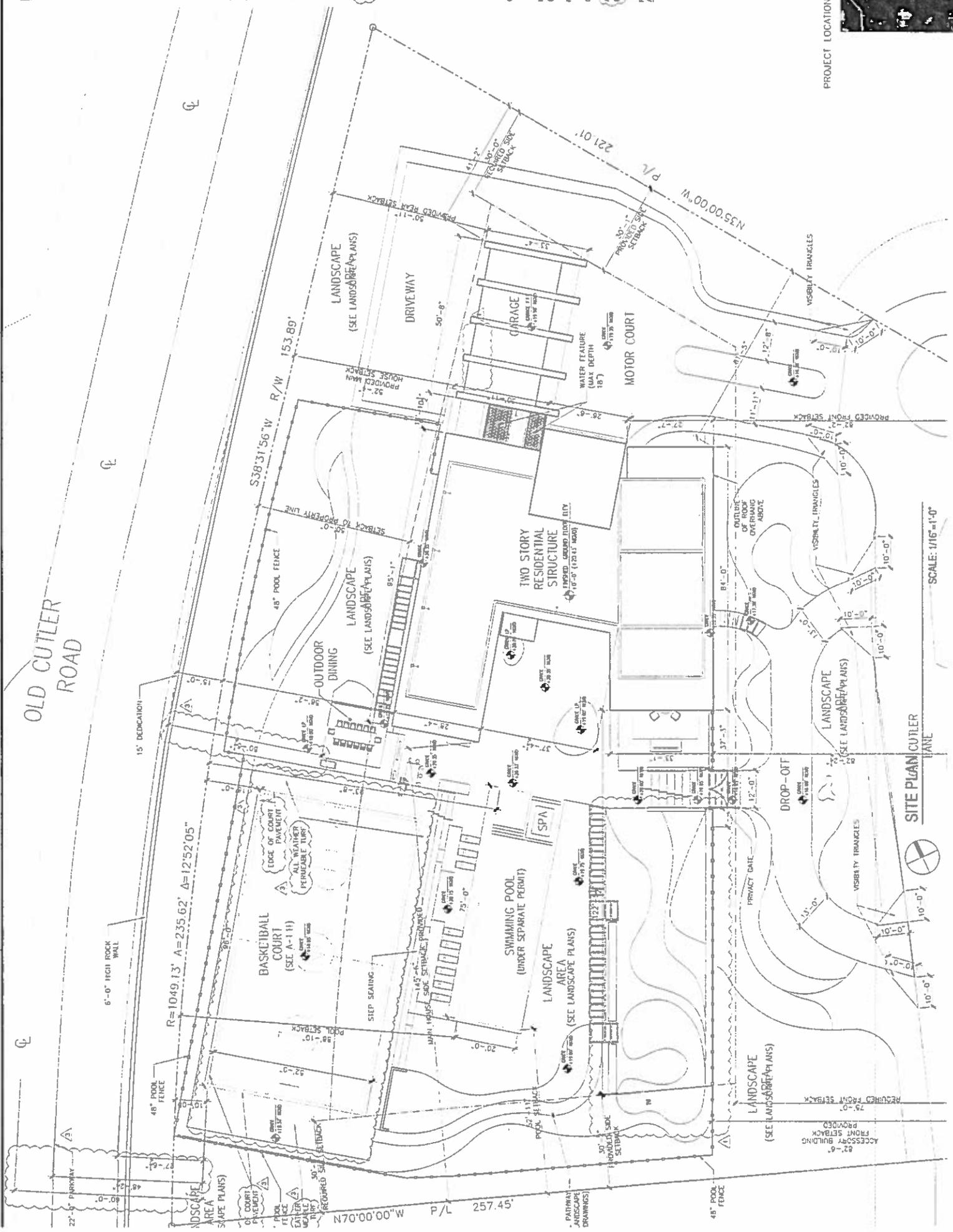
- A. Facing of lots.
- 1. Lot 1 shall be deemed to face north.
  - 2. Lot 5 shall be deemed to face north.
  - 3. Lot 8 shall be deemed to face west.
  - 4. Lot 12 shall be deemed to face west.
  - 5. Lots 13 and 14 shall be deemed to face east.
  - 6. Lot 15 shall be deemed to face south.
- \* B. Setbacks-Minimum front.
- \* 1. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16 and 17-Seventy-five (75) feet.
  - 2. Lot 11-Seventy-five (75) feet from cul-de-sac.
  - 3. Lot 12-One-hundred and twenty-five (125) feet.
  - 4. Lot 18-Two-hundred and ten (210) feet from cul-de-sac.
- C. Setbacks-Minimum side.
- 1. Lot 1-Thirty (30) feet from inside line-Fifty (50) feet from Old Cutler Road.
  - 2. Lots 2, 3, 4, 6, 7, 9, 10, 14, 16 and 17-Thirty (30) feet.
  - 3. Lot 5-Thirty (30) feet from west-Seventy-five (75) feet from east.
  - 4. Lot 8-Thirty (30) feet from inside line-Seventy-five (75) feet from side street.
  - 5. Lot 11-Thirty (30) feet from south.
  - 6. Lot 12-Thirty (30) feet from inside line-Seventy-five (75) feet from side street.
  - 7. Lot 13-Thirty (30) feet from inside line-Seventy-five (75) feet from side street.
  - 8. Lot 15-Thirty (30) feet from south-Thirty (30) feet from east-Fifty (50) feet from Old Cutler Road. -ADJACENT
- \* D. Setbacks-Minimum rear.
- 1. Lots 1, 2, 3 and 4-Fifty (50) feet.
  - 2. Lot 5-Sixty (60) feet from south.
  - \* 3. Lots 13 and 14-Fifty (50) feet from Old Cutler Road.
  - 4. Lot 15-Thirty (30) feet from north. -ADJACENT PROPERTY
- E. Setback from canal, waterway, lake or bay.
- 1. The minimum setback from a canal or waterway line, as platted, shall be as follows:
    - a. Lot 6-Fifty (50) feet from east thirty (30) feet.
    - b. Lots 7, 8, 9, 10, 11, 12, 16, 17 and 18-Fifty (50) feet.

**PROJECT:**  
LEGAL DESCRIPTION

- POLY NUMBER
- ADDRESS
- MUNICIPALITY
- ZONING SUBDIVISION
- OCCUPANCY CLASS
- CONSTRUCTION TYPE
- FLOOD ZONE
- LOT AREA
- MINIMUM STREET FRONT SETBACKS (MINIMUM)
- DENSITY / PROVISIONS
- SETBACKS (MINIMUM)
- FRONT YARD
- SIDE YARD
- REAR YARD
- SETBACKS (EXISTING)
- BUILDING HEIGHT
- STORES
- ESTABLISHED DRUG
- GROUND AREA COVERED
- MAXIMUM BUILDING
- MAXIMUM USE OF LOT AREA
- REAR YARD
- GARAGE
- ACCESSORY STRUCTURE
- MAXIMUM OF LOT AREA
- FLOOR AREA ALLOWED
- FIRST FLOOR
- REAR YARD
- REAR YARD
- REAR YARD
- TOTAL PROVIDED



**OLD CUTLER ROAD**

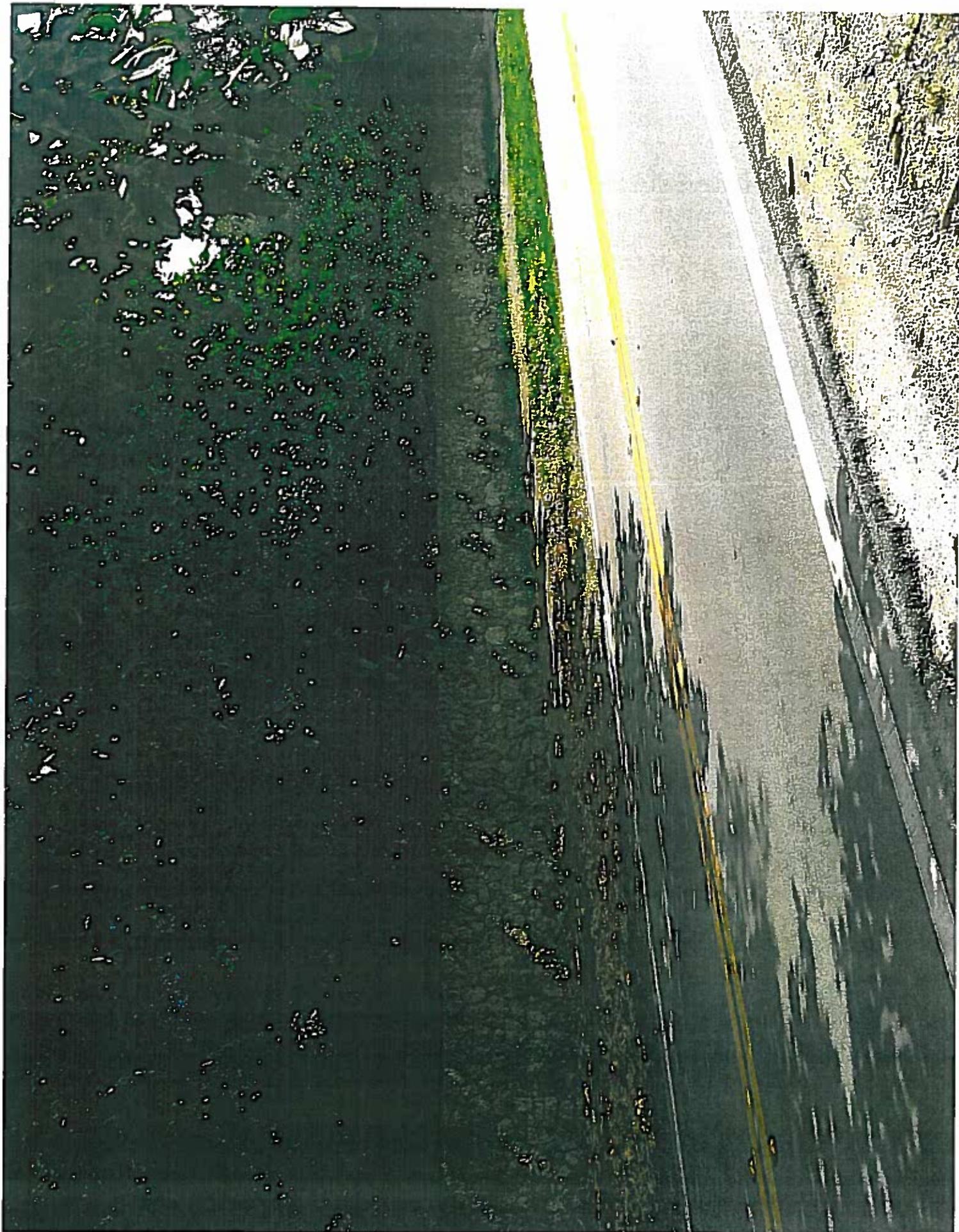


SCALE: 1/16"=1'-0"

SITE PLAN CUTLER TOWN



CONSULT AND ASK FOR DETAILS WITH A LICENSED SURVEYOR









# **Applicant's Proposal**

Grant a variance to allow the proposed basketball court to be located in an area between the street and the main residential building or any part thereof vs. No accessory building or structure may be located in the area between the street and the main residential building or any part thereof pursuant to Sections 4-101(D)(5)(a) and 5-101(B) of the Coral Gables Zoning Code.

Grant a variance to allow the proposed basketball court to maintain ten (10') feet rear street setback (from Old Cutler Road) vs. a minimum rear street setback (from Old Cutler Road) of fifty (50'0") feet shall be maintained for lot 14 as required by Sections 4-101(D)(4), 4-101(D)(5), Appendix A-A-62(D)(3) of the Coral Gables Zoning Code.

Grant a variance to allow the outdoor dining patio to maintain a thirty five feet eight inches (35'8") rear street setback (Old Cutler Road) vs. a minimum rear street setback (from Old Cutler Road) of fifty (50') shall be maintained for Lot 14 as required by Section 4-101(D)(4), 4-101(D)(5), Appendix A-A-62(D)(3) of the Coral Gables Zoning Code.

*Guilford & Associates, P.A.*  
*Attorneys at Law*

F. W. ZEKE GUILFORD  
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FAX (305) 445-0563

August 25, 2015

Ms. Elizabeth Gonzalez  
Secretary to the Board of Adjustment  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL 33134

**Re: 9440 Old Cutler Lane / Owner – JAH Revocable Trust / Variance**

Dear Ms. Gonzalez:

This firm represents the JAH Revocable Trust relative to a variance request to allow a basketball court between the residence and the street and a variance to the rear setback provisions of the Coral Gables Zoning Code pertaining to a basketball court and outdoor dining patio for property located at 9440 Old Cutler Lane.

As a means background, the property is located in Journey's End sub-division of Coral Gables and consists of two lots (lot 14 and a portion of lot 15). Journey's End is a gated community where the streets are all privately owned and maintained. The existing residence fronts Old Cutler Lane and at the rear of the property is Old Cutler Road. There is a wall of significant height that separates the property from Old Cutler Road. The trustee is desirous of removing the existing residence and replacing it with a new residence. As part of the redevelopment of the property, the trustee, a former professional basketball player, would also like to have a basketball court with removal poles and an outdoor dining area. In order to permit the basketball court and outdoor dining patio, we will need to obtain variances from the City of Coral Gables Board of Adjustment due to the basketball court being located closer to Old Cutler Road than the main residence and a variance for both the basketball court and outdoor dining patio for the rear setback. It is important to note that the Coral Gables Zoning Code does not reference or mention basketball courts.

Pursuant to Section 4-101D5a and 5-101B of the Coral Gables Zoning Code "no auxiliary building or structures may be located in the area between the street and the main residential building or any part thereof". In this particular case, the basketball court is located in the rear yard between the main residential building and Old Cutler Road. This type of variance has been

approved on numerous occasions and to locate the basketball court anywhere else would create additional variances.

Also, we are requesting a variance to Section A-62D 3 for the rear setback. As previously stated there is not a rear neighbor in this case. To the rear of the property is a fifteen (15) foot easement and then Old Cutler Road which is a seventy (70) foot right of way. With the front setback of the rear property, the neighbor is over one hundred (100) feet away from the basketball court. It is important to note that the zoning code provides that the measurement for the rear setback is from Old Cutler Road and not the property line. Further, the intent of the zoning code is to provide separation of auxiliary uses and neighboring properties.

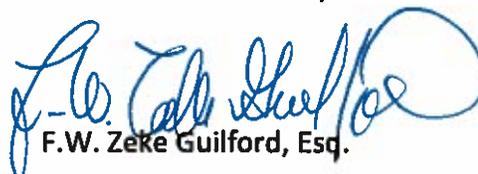
Again, it is extremely important to note that there are no specific provisions for a basketball court in the zoning code. While the general provisions of the zoning code requires the proscribed setbacks, I believe that it is important to point out those uses that are most similar to the use being requested. In doing so, one must inquire as to what use would be level with the ground and therefore not seen from abutting properties. In this particular case, that use would be a motor court or parking area. In that particular case, the setbacks as prescribed in Article 5-1403C5b, would be eighteen (18) inches. In the alternative, one could argue that is most similar to a pool deck in that again it is at ground level and is not covered. A pool deck is permitted to maintain a minimum five (5) foot setback.

The zoning code provides in part that "no building or structure, or any part thereof, including porches, projections, or terraces, but not including uncovered steps, shall be erected at a lesser distance from the front, side or rear line of any building site than the front, side or rear setback distance prescribed and established herein for such building site." What this is not, is a porch, terrace, or projection. A porch by definition is a roofed structure attached to the main building. A terrace can be a raised area as we think of at the Biltmore Hotel. Likewise a projection is a raised element. All three of these can be seen from abutting properties and none is similar to the use that is being requested.

Finally, the journey's end homeowner's association and the most directly affected neighbor have no objection to the requested variances.

If you have any questions or need any further information, please do not hesitate to contact me. We would sincerely appreciate your favorable consideration of this application.

Very sincerely,  
Guilford & Associates, P.A.



F.W. Zeke Guilford, Esq.

## Variance Criteria

1. There are special conditions and circumstances, which exist that, are unique to this property, and which are not applicable to other properties, structures, or buildings in the same zoning district.

**The property is unique in that it fronts on two streets and therefore, the neighbor is over one hundred (100) feet away. The street in question is Old Cutler Road and has been declared historic and cannot be widened. It is heavily landscaped. In addition, the property also contains an easement which provides for an additional setback.**

2. This condition does not result from the actions of the applicant.

**The applicant did not plat the property and therefore this condition does not result from the actions of the applicant.**

3. The granting of this variance will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings, or structures, in the same zoning district.

**The requested variance does not confer any special privilege on the applicant. Any property owner is permitted to have an accessory uses. The intent of the code is to provide separation from of uses from neighbors. In our case due to Old Cutler Road, the neighbor is over one hundred (100) feet away.**

4. A literal interpretation of the Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardships on the applicant.

**It is only because this property fronts two streets that we are requesting the variance. The zoning code permits accessory uses.**

**As to the setbacks, the literal interpretation is to provide relief to the rear property owner. In this case, the rear property owner is over one hundred feet away, which is more than required by the code.**

5. This variance is the minimum variance that will allow reasonable use of the property.

**This is the minimum variance that will allow the reasonable use of the property.**

6. **The granting of this variance will not change the use of the property to one that is different from other properties in the district.**

**The use of the property will remain single family residential.**

7. **Finally, the granting of this variance will be within the harmony and intent of the Zoning Code.**

**The requested variances is within the harmony and intent of the zoning code. The zoning code is written to allow accessory uses at a residence. The granting of the variances would allow the applicant the same rights as other property owners.**

8. **The granting of the variance is appropriate for the continued preservation of an historic landmark or historic landmark district.**

**The existing structure is not historical nor is it located in a historical district and therefore is not applicable in this case.**

October 14, 2014

Ms. Elizabeth Gonzalez  
Secretary to the Board of Adjustment  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL 33134

Re: 9440 Old Cutler Lane / Variance(s) for Basketball Court

Dear Ms. Gonzalez:

Mr. Howard has explained to me the requested variance(s) pertaining to the basketball court that he desires to have at his residence and the Journeys End Homeowner's Association supports his request.

Sincerely,

  
Title: Pres.

October 14, 2014

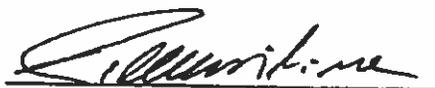
Ms. Elizabeth Gonzalez  
Secretary to the Board of Adjustment  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL 33134

Re: 9440 Old Cutler Lane / Variance(s) for Basketball Court

Dear Ms. Gonzalez:

Mr. Howard has explained to me the requested variance(s) pertaining to the basketball court that he desires to have at his residence and as the resident most directly affected I support his request.

Sincerely,



Address: 9490 Old Cutler Lane, Coral Gables, FL 33156

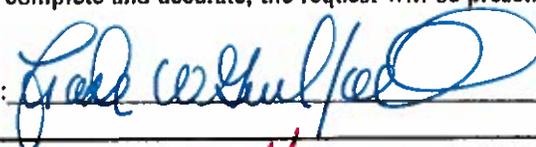
**BOARD OF ADJUSTMENT  
 APPLICATION CHECKLIST**

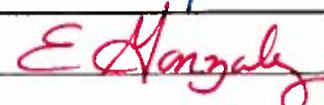
The following items are required for the processing of a public hearing before the Board of Adjustment:

	REQUIREMENTS	OFFICE USE ONLY
1)	✓ Application	✓
2)	✓ Applicant's Proposal	✓
3)	✓ Letter of Intent	✓
4)	Standards for Variances #1 through #7	✓
5)	✓ Owners Affidavit	✓
6)	Application Fee (Copy of receipt)	✓
7)	✓ Proof of ownership if ownership of the property has changed in the last year	✓
8)	✓ Register as a lobbyist (see attached)	✓
9)	✓ 1 Original Certified Mailing List	✓
10)	✓ 3 sets of Mailing Labels	✓
11)	✓ Signed and Sealed survey of property	✓
12)	✓ Full size set of plans (stamped by the Board of Architects)	✓
13)	✓ 13 copies on 11" x 17" paper of the plans	✓
14)	✓ 13 sets of color photographs (35mm or digital photographs) <b>Must be labeled</b>	✓
15)	Others (letter of support, rescheduling letter, or etc.)	✓

The Planning and Zoning Department cannot accept applications that are not complete for any hearing before the Board of Adjustment. Failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.

The Applicant and/or Homeowner must meet with City Staff to review the application submittal. Once all required items are complete and accurate, the request will be presented at the next available Board of Adjustment hearing.

Applicant's Signature: 

This application was received by  Date 10/7/14  
01/16/15  
8/25/15

BA-14-10-2567  
9440 OLD CUTLER LANE  
03-5106-022-0140  
JANUARY 12, 2014

CITY OF CORAL GABLES  
Board of Adjustment Application

Applicant: Guilford & Associates, Phone: 305-446-8411  
Address: 400 University Dr. #201 Cell: \_\_\_\_\_  
Coral Gables, Fla. 33134 Fax: \_\_\_\_\_  
E-mail: zguilford@guilfordassoc.com

This is a request for: a Variance  (or) an Appeal \_\_\_\_\_  
(Provide a "X" on desired request)

Owner: JAH Revocable Trust Phone: \_\_\_\_\_

Owner's Address: 9440 Old Cutler Lane

Job Address: 9440 Old Cutler Lane Folio No.: 03-5106-022-0140

Legal Description:

Section: Journey's End Estates Block: 1  
Lot(s): 14 & portion of 15 PB/PG: 100/40

Architect: Kobi Karp Phone: 305-573-1818

Board of Arch. #: AB-14-06-3298 Date: 7/10/2014 Action: Approved

01-20-2015, 9-3-2015  
Has there been a Board of Adjustment hearing on the property in the last year? No

Is this request the result of a Notice of Violation? No

Is this request the result of a deviation from an approved set of plans? No

Has the property owner owned the property for at least one year? No

The information provided in this application is true and correct, and the application is being submitted with all of the documents necessary for review by the Board of Adjustment and the Development Services Department. I understand that failure to provide the information necessary for review by the Board of Adjustment may cause my application to be deferred without further review of consideration. I have read and understand all of the information in the City of Coral Gables Board of Adjustment Information brochure.

Applicant (Signature) [Signature] Date: 9-4-2014



# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 10/9/2014

Property Information	
Folio:	03-5106-022-0140
Property Address:	9440 OLD CUTLER LN
Owner	JUWAN A HOWARD TRS JAH REVOCABLE TRUST
Mailing Address	9440 OLD CUTLER LANE CORAL GABLES, FL33156
Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	5 / 4 / 1
Floors	1
Living Units	1
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	5,409 Sq.Ft
Lot Size	75,274 Sq.Ft
Year Built	1976



Assessment Information			
Year	2014	2013	2012
Land Value	\$1,975,942	\$1,881,850	\$1,881,850
Building Value	\$734,434	\$968,644	\$1,051,510
XF Value	\$40,510	\$40,903	\$50,082
Market Value	\$2,750,886	\$2,891,397	\$2,983,442
Assessed Value	\$2,750,886	\$1,347,647	\$1,325,120

Benefits Information				
Benefit	Type	2014	2013	2012
Save Our Homes Cap	Assessment Reduction		\$1,543,750	\$1,658,322
Homestead	Exemption		\$25,000	\$25,000
Second Homestead	Exemption		\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
JOURNEYS END ESTS PB 100-40
LOT 14 BLK 1 & PORT OF LOT 15
BLK 1 DESC BEG MOST SLY COR OF
LOT 15 TH N 35 DEG W221.01FT
SWLY82.02FT SELY212.83FT TO POB

Taxable Value Information			
	2014	2013	2012
<b>County</b>			
Exemption Value	\$0	\$50,000	\$50,000
Taxable Value	\$2,750,886	\$1,297,647	\$1,275,120
<b>School Board</b>			
Exemption Value	\$0	\$25,000	\$25,000
Taxable Value	\$2,750,886	\$1,322,647	\$1,300,120
<b>City</b>			
Exemption Value	\$0	\$50,000	\$50,000
Taxable Value	\$2,750,886	\$1,297,647	\$1,275,120
<b>Regional</b>			
Exemption Value	\$0	\$50,000	\$50,000
Taxable Value	\$2,750,886	\$1,297,647	\$1,275,120

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
12/03/2013	\$3,400,000	28936-0851	Qual by exam of deed
10/01/1978	\$446,800	10176-1355	2008 and prior year sales; Qual by exam of deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

BA-14-10-2567  
9440 OLD CUTLER LANE  
03-5106-022-0140  
JANUARY 12, 2014

Board of Adjustment Owner's Affidavit

I/We Juwan A. Howard, as Trustee as Owner(s) of Lot(s) 14 and a portion of 15  
Block 1, Section Journey's End Estates, PB/PG 100/40

(the Subject property) located at 9440 Old Cutler Lane desires to file an application for a public hearing before the Board of Adjustment of the City of Coral Gables and I/we do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the Board of Adjustment Hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing at which time it is the Applicant's responsibility to remove the sign.
3. No application shall be accepted during the following time periods after the denial of a substantially similar application affecting the same property or any portion thereof:  
A. Conditional uses and variances: six (6) months. B. Change in zoning map, zoning text amendments, comprehensive land use plan text, comprehensive land use plan map, amendments and application for abandonment and vacation of non-fee interests: twelve (12) months (Section 3-210. Resubmission of application affecting same property).
4. That the only variance or items being requested are those that have been specified in the written application for a variance, and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the City of Coral Gables.
5. That the applicant will be responsible for complying with all of the conditions and restrictions imposed by the Board of Adjustment in connection with the requested variance, and will take the necessary steps to make the variance effective if approved by the Board of Adjustment.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Board of Adjustment to hear the applicant's request.
7. That the applicant is responsible for the submission and accuracy of a certified mailing list and (3) three sets of mailing labels according to the latest ad valorem tax record of all property owners with (1,000) one thousand feet of the property for which a public hearing before the Board of Adjustment is being requested.
8. Any variance granted by the Board of Adjustment or the City Commission shall be in effect for (12) twelve months from the date of approval. If a permit is not issued within the (12) twelve months, and work commenced, then the variance shall become null and void. One twelve-month extension of a variance may be granted by the Development Review Official.

I/We as the owners of the subject property:  (do hereby authorize Guilford & Associates, P.A.

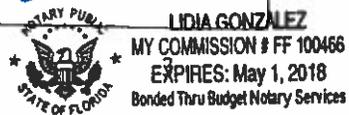
(will on my / our own behalf)

Act as the applicant and make application in connection with this request for a public hearing before the Board of Adjustment.

Signature of Owner <u>[Signature]</u>	Notary Public Signature <u>[Signature]</u>
Print Owner's Name <u>Juwan Howard</u>	Print Notary's Name <u>Cynthia Sanchez</u>
Signature of Owner _____	Notary Public Signature _____
Print Owner's Name _____	Print Notary's Name _____ Seal: _____



Signature of Applicant <u>[Signature]</u>	Notary Public Signature <u>[Signature]</u>
Print Applicant's Name <u>Francisco Gonzalez</u>	Print Notary's Name <u>Lidia Gonzalez</u> Seal: _____





CFN 2013R0950094  
 DR Bk 28936 Pgs 0851 - 8527 (2pgs)  
 RECORDED 12/04/2013 13:24:01  
 DEED DOC TAX 20,400.00  
 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

Prepared by and return to:  
 Raul E. Salas, Esq.  
 Raul E. Salas, P.A.  
 6301 Sunset Drive, Suite 203  
 Miami, FL 33143  
 305-665-8625.

[Space Above This Line For Recording Data]

## Warranty Deed

This Warranty Deed made this 3<sup>rd</sup> day of December 2013 by and between Marianne R. Brandon, an unmarried widow, whose post office address is Blue Swaled Avenue Coral Gables FL 33132 grantor, and Juwan A. Howard, as Trustee of the JAH Revocable trust Agreement dated December 18, 1997, whose post office address is 9440 OLD CUTLER LANE, CORAL GABLES, FL 33156 grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Miami-Dade County, Florida to-wit:

Lot 14 and portion of Lot 15, BLOCK 1, JOURNEY'S END ESTATES, according to the plat thereof, as recorded in Plat Book 100, at Page 40, of the Public Records of Miami-Dade County, Florida, said portion of Lot 15 being described as: All of that portion of said Lot 15 lying southwesterly of a line described as beginning at the most southerly corner of said Lot 15, thence proceeds N 35 W 221.01 feet to a point on the westerly line of said Lot 15 at a point on said line which lies S 3831'56" W and 17.98 feet from the Northwesterly corner of said Lot 15.

Subject to:

1. Conditions, restrictions, limitations, and easements, of record, without intent to reimpose same.
2. Real estate taxes for the year 2013 and subsequent years.

Folio # 03-5106-022-0140

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2013

*JMS*

DoubleTime®

2

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

2/4  
Witness Name: Paul E. [Signature]  
Ana M. Ladrada Alvarez  
Witness Name: ANA M. LADRADA ALVAREZ

By: Marianne R. Brandon  
Marianne R. Brandon

State of Florida  
County of Miami-Dade

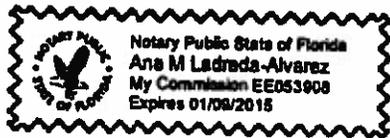
The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of December, 2013 by Marianne R. Brandon, who  
 is personally known to me or  has produced a driver's license as identification.

[Notary Seal]

Ana M. Ladrada Alvarez  
Notary Public

Printed Name: Ana M. Ladrada-Alvarez

My Commission Expires: 11/9/2015





**CITY OF CORAL GABLES  
LOBBYIST ANNUAL REGISTRATION APPLICATION  
FOR EACH PRINCIPAL REPRESENTED**

CITY OF CORAL GABLES  
RECEIVED BY THE  
OFFICE OF THE CITY CLERK  
2014 SEP -5 PM 4:37

REGISTRATION #: \_\_\_\_\_

**HAVE YOU BEEN RETAINED TO LOBBY ANY OF THE FOLLOWING FOR THE STATED PURPOSE?**

**CITY OFFICIALS:** Mayor, City Commissioners, City Attorney, City Manager, City Clerk, Assistant City Manager, Special Assistant to City Manager, Heads or Directors of Departments, and their Assistant or Deputy, Police Major or Chief, Fire Major or Chief, Building and Zoning Inspectors Board, Committee Members, or any other City Official or staff.

**FOR THIS PURPOSE:** To encourage the approval, disapproval, adoption, repeal, passage, defeat or modification of any ordinance, resolution, action or decision of the City Commission; or any action, decision or recommendation of the City Commission, any Board, Committee or City Official.

**IF THE FOREGOING APPLIES TO YOU, YOU ARE REQUIRED TO REGISTER AS A LOBBYIST:**

Print Your Name F.W. Zeke Guilford, Esq.  
LOBBYIST

Print Your Business Name, if applicable Guilford & Associates, P.A.

Business Telephone Number 305-446-8411

Business Address 400 University Dr. #201 Coral Gables, Fla. 33134  
ADDRESS CITY, STATE ZIP CODE

Federal ID#: \_\_\_\_\_

State the extent of any business or professional relationship you have with any current member of the City Commission.  
None

**PRINCIPAL REPRESENTED:**

NAME JAH Revocable Trust COMPANY NAME, IF APPLICABLE \_\_\_\_\_

BUSINESS ADDRESS 9440 Old Cutler Lane TELEPHONE NO.: \_\_\_\_\_

**ANNUAL REPORT:** On October 1st of each year, you are required to submit to the City Clerk a signed statement under oath listing all lobbying expenditures in excess of \$25.00 for the preceding calendar year. A statement is required to be filed even if there were no expenditures.

**LOBBYIST ISSUE APPLICATION:** Prior to lobbying for a specific issue, you are required to fill out a Lobbyist Issue Application form with the Office of the City Clerk; stating under oath, your name, business address, the name of each principal who employed you to lobby, and the specific issue on which you wish to lobby.

**NOTICE OF WITHDRAWAL:** If you discontinue representing a particular client, a notice of withdrawal is required to be filed with the City Clerk.

**ANNUAL LOBBYIST REGISTRATION FEE:** This Registration must be on file in the Office of the City Clerk prior to The filing of an Issue Application to lobby on a specific issue, and payment of a \$150.00 Lobbyist Registration Fee is required.

I F.W. Zeke Guilford hereby swear or affirm under penalty of perjury that I have read the provisions of the City of Coral Gables Ordinance 2006-11, governing Lobbying and that all of the facts contained in this Registration Application are true and that I agree to pay the \$150.00 Annual Lobbyist Registration Fee.

*[Handwritten Signature]*  
Signature of Lobbyist

CITY OF CORAL GABLES  
RECEIVED BY THE  
OFFICE OF THE CITY CLERK  
2014 SEP - 5 PM 2:30

STATE OF FLORIDA )  
                                  )  
COUNTY OF ~~DADE~~ MIAMI-DADE

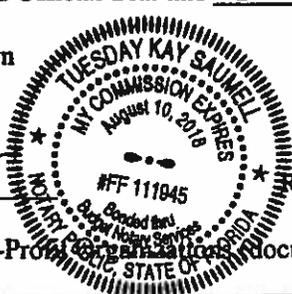
BEFORE ME personally appeared F.W. Zeke Guilford to me well known and known to me to be the described in and who executed the foregoing instrument, and acknowledged to and before me that he/she executed said instrument for the purposes therein expressed.

WITNESS my Hand and Official Seal this 5<sup>th</sup> of September, 2014  
Tuesday Kay Saumel  
Notary Public  
State of Florida

Personally Known  
 Produced ID

\$150.00 Fee Paid  Received By A. Da Costa Date: 9/5/14

Fee Waived for Not-for-Profit (documentary proof attached.)



**For Office Use Only**

Data Entry Date: \_\_\_\_\_, 20\_\_\_\_ Entered By: \_\_\_\_\_



CITY OF CORAL GABLES  
RECEIVED BY THE  
OFFICE OF THE CITY CLERK

CITY OF CORAL GABLES  
LOBBYIST  
ISSUE APPLICATION

2014 SEP -5 PM 2: 37

REGISTRATION #: \_\_\_\_\_

HAVE YOU BEEN RETAINED TO LOBBY ANY OF THE FOLLOWING FOR THE STATED PURPOSE?

**CITY OFFICIALS:** Mayor, City Commissioners, City Attorney, City Manager, City Clerk, Assistant City Manager, Special Assistant to City Manager, Heads or Directors of Departments, and their Assistant or Deputy, Police Major or Chief, Fire Major or Chief, Building and Zoning Inspectors, Board, Committee Members, or any City Official or staff.

**FOR THIS PURPOSE:** To encourage the passage, defeat or modification of any ordinance, resolution, action or decision of the City Commission; or any action, decision or recommendation of any Board, Committee or City Official.

**IF THE FOREGOING APPLIES TO YOU, YOU ARE REQUIRED TO REGISTER AS A LOBBYIST AND TO FILE THE FOLLOWING INFORMATION, UNDER OATH, WITH THE CITY CLERK FOR EACH ISSUE ADDRESSED. ISSUE FEE: NO CHARGE, PROVIDING YOU HAVE A CURRENT ANNUAL LOBBYIST REGISTRATION DOCUMENT ON FILE.**

Print Your Name F.W. Zeke Guilford  
LOBBYIST

Print Your Business Name Guilford & Associates, P.A.

Business Telephone Number 305-446-8411

Business Address 400 University Dr. #201 Coral Gables, Fla. 33134  
ADDRESS CITY, STATE ZIP CODE

Corporation, Partnership, or Trust Represented:

Principal Name: JAH Revocable Trust

Principal Address: 9440 Old Cutler Lane Telephone Number: \_\_\_\_\_

**ISSUE:** Describe in detail, including address, if applicable, of the specific issue on which you will lobby: (Separate Application is required for each specific issue)

A variance to allow a tennis court between the main or principal building and the street.

I F.W.Zeke Guilford hereby swear or affirm under penalty 2014 SEP -5 PM 2:38

Print Name of Lobbyist

jury that all the facts contained in this Application are true and that I am aware that these requirements are in compliance with the provisions of the City of Coral Gables Ordinance No. 2006-11, governing Lobbying.

[Signature]  
Signature of Lobbyist

9-4-2014  
Date

STATE OF FLORIDA )  
                                  )  
COUNTY OF ~~DADE~~ MIAMI-DADE

BEFORE ME personally appeared F.W.Zeke Guilford to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he/she executed said instrument for the purposes therein expressed.

WITNESS my Hand and Official Seal this 5<sup>th</sup> of September, 2014

Personally Known  
 Produced ID



[Signature]  
Notary Public  
State of Florida

**For Office Use Only**

Data Entry Date: \_\_\_\_\_, 20\_\_\_\_ Entered By: \_\_\_\_\_

Annual Fees Waived for Not-for-Profit Organization. Please attach documentary proof.